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Wisconsin Department of Transportation

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Assembly Committee on Criminal Justice Hearing April 11, 2007

AB 226

Comments, Carson P. Frazier
Wisconsin Department of Transportation

The Department of Transportation offers two concerns about this bill.

First, this bill results in a one-time cost to DMV of \$86,300. The bill does not appropriate any funding to the DMV appropriation, and DMV cannot absorb this cost within its current budget.

- \$71,000 of this cost is incurred before any license plates are issued, and regardless of how many license plates are issued. Start-up work would be complex.
- DMV would have to make substantial changes to our data processing system, because this bill would make the sex offender license plate available for any type of vehicle registration. Some registration types include complex business rules. This means that not only will much data processing work be needed, but also extensive system testing would be needed, to be sure that plate issuance occurs properly in all possible situations.
- DMV would also have substantial plate design work, because there are several different size license plates that match different types of vehicle registration. Each size plate has different configuration requirements and space limitations. The numbering scheme for each plate type and size must be adjusted, so that no license plate numbers are duplicated, across plate types.

Second, unlike for any other special plate under S.341.14, this bill specifies in statute a plate design and color. In all other special plates – and in fact for all license plates – DOT has the responsibility to specify the plate color and design.

- The Legislature has always recognized that plate design and color is an administrative responsibility of DOT, not a legislative function. DOT considers not only whether the plate is visible, but also whether law enforcement can read the plate number, whether the plate could be confused with a plate from another state.



- DOT and the law enforcement community have agreed to a standard "plate look" for special plates: white background, black letters, and a logo on the left. The law enforcement community feels that having many different colors and designs inhibits, rather than facilitates, their ability to identify a particular Wisconsin special license plate.

In addition, DOT offers one drafting concern.

- The provision of the bill that prohibits a sex offender from operating a vehicle that does not display a special sex offender plate – and its penalty – is currently drafted in Chapter 301, the Corrections statute. If the provision were placed in Chapter 346, Rules of the Road, the provision might have greater visibility for law enforcement.

Thank you for the opportunity to comment.

Good Morning/Afternoon

My name is Sandra Capps. I am here today to speak to you regarding green license plates for sex offenders who are on the GPS tracking system. I would like to see the green license plates extended to anyone who is convicted or has been convicted in the past of first or second degree sexual assault of a child and is currently on the registry, not just those who are on the GPS tracking system.

Statistics show that over 4,500 children are sexually abused in Wisconsin each year and that approximately 90% of them are abused by someone they know.

On November 15, 2003 my grand-daughter became one of those statistics when a former neighbor and family friend, Walter Fitz, decided to rape her.

While this crime was reported and Walter did plea no contest and was convicted and sentenced for first degree sexual assault of a child under the age of 13, we do not feel that justice has been served or that the best interest or safety of the community or his own 3-year old grand-daughter have been taken into full consideration.

On Tuesday, June 28, 2005 after 1-1/2 years of medical exams, investigations, hearings, numerous delays, hours upon hours in therapy and missed work, Judge James O. Miller of Columbia County told the courtroom that he was going to "send a strong message to the community". He handed down a sentence of 10 years for which 5 years would be spent in a state prison and the remaining 5 years would be served on supervised release. Judge Miller then contradicted himself by staying the sentence so that Fitz would only have to serve a 1 year sentence in the Columbia County jail in Portage, minus a 2 day credit, with 9 years of probation to follow as well as alcohol and sex offender treatment. Judge Miller also allowed Fitz to return to his home until July 5th so that he would not lose his Social Security benefits for the month of June, which the Judge felt would create a financial hardship for Fitz's wife. All of this after the Judge requested a pre-sentence investigation be completed. The results of that investigation are sealed by the court, but we were informed that it recommended

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13 to 16 years in a state prison followed by 10 years of probation. Mr. Fitz was released from the Columbia County Jail in July of 2006. We were told that while he was on supervision he would be wearing an ankle monitoring system. This was not true. Less than 6 months after his release, Mr. Fitz was living in his own apartment in Portage with little or no supervision. We have been told that the case loads are large and there is only so much time for each case. In other words, Mr. Fitz is basically free to molest or rape again.

In our Victim Impact Statements, we tried to make our concerns for Fitz's grand-daughter and any future grandchildren very clear.

We are also very concerned that Fitz and his wife own a home that is located less than one city block from a middle school, two blocks from an elementary school and in very close proximity to public parks and a public pool where children congregate. Granted, the Fitz's are now separated, but he still has access to the house and the children of the Columbus community.

While we feel lucky that my grand-daughter has a great support system established, we will always be very concerned about her emotional stability since Mr. Fitz is pretty much free to come and go as he pleases with little or no monitoring.

I feel very strongly that laws don't just need to be strengthened but that our Judges need to be held accountable for the sentences they impose. Without this accountability the laws can not protect children as they are intended to do.

I understand that any changes to the laws now will not change the sentence in our case; however I feel that it is important to speak out for those that do not yet have the courage and for those who will unfortunately become victims in the future.

At this point we consider ourselves to be survivors and hope that we are able to help others.

Thank you for your time this morning and I really hope that laws will change for the better in the future.



CITIZENS FOR A SAFE WISCONSIN, INC



ADVOCATING FOR TOUGHER SEX OFFENDER LAWS

April 11, 2007

Dear Chairman Kleefisch and members of the Criminal Justice Committee,

Citizens for a Safe Wisconsin (CFSW) supports AB 226 which would provide for vehicle registration plates for certain sex offenders and provide for penalties.

Citizens for a Safe Wisconsin is a non profit, grass roots organization that advocates for child safety laws and community protection from sex predators. Protecting our children from sex predators requires more supervision, more notification and more communication. Specialized license plates will be one more tool for local law enforcement as well as the public to utilize.

Communities can not rely on only one protective measure but need numerous safety measures in place to protect our children from falling victim to a sex predator. Vehicle registration plates for certain sex offenders would provide a valuable tool for increasing supervision, notification and communication between the public and law enforcement. Specialized plates would make it easy to identify a vehicle that is prohibited from child safety zones and help children and adults identify a vehicle to stay away from and will reduce the risk a child is enticed and enters the vehicle.

There is no panacea when it comes to protecting our children but the more tools and resources the public and law enforcement has available; the more public safety is enhanced. Please support AB 226.

Sincerely,
Sandy Maher-Johnson
Citizens for a Safe Wisconsin

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PAID FOR BY CITIZENS FOR A SAFE WISCONSIN. DAVID WOLFE, TREASURER.

